

**NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT  
AND MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE  
RULES. See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24.**

**FILED BY CLERK**

**SEP 12 2008**

**COURT OF APPEALS  
DIVISION TWO**

**IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO**

THE STATE OF ARIZONA,	)	
	)	
Appellee,	)	2 CA-CR 2007-0390
	)	DEPARTMENT A
v.	)	
	)	<u>MEMORANDUM DECISION</u>
	)	Not for Publication
LUIS MARTIN SANDOVAL,	)	Rule 111, Rules of
	)	the Supreme Court
Appellant.	)	
	)	

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**APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY**

**Cause No. CR-20032751**

**Honorable Richard S. Fields, Judge**

**AFFIRMED**

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DiCampli, Elsberry & Hunley, LLC  
By Anne Elsberry

Tucson  
Attorneys for Appellant

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H O W A R D, Presiding Judge.

¶1 After a jury trial held in absentia in March 2005, appellant Luis Martin Sandoval was convicted of aggravated driving under the influence of alcohol (DUI) and aggravated driving with an alcohol concentration of .08 or more, both while his license was

suspended, revoked, or restricted. The trial court also found Sandoval had two historical prior felony convictions, both for DUI offenses. The court sentenced him to a presumptive term of ten years' imprisonment on each count and ordered those sentences to be served concurrently with each other and with sentences imposed in another case.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), avowing she has reviewed the entire record and found no arguable issue to raise on appeal. In compliance with *Clark*, counsel has provided “a detailed factual and procedural history of the case with citations to the record, [so] this court can satisfy itself that counsel has in fact thoroughly reviewed the record.” 196 Ariz. 530, ¶ 32, 2 P.3d at 97. Sandoval has not filed a supplemental brief.

¶3 Pursuant to our obligation under *Anders*, we have reviewed the record in its entirety and are satisfied it supports counsel's recitation of the facts. Viewed in the light most favorable to upholding the jury's verdicts, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), the evidence established that Tucson police officer James Kugler had been alerted by a passerby that Sandoval, who was in the driver's seat of a vehicle parked at a convenience store, appeared to be intoxicated. Kugler followed Sandoval as he drove from the store's parking lot. After observing him drive onto a sidewalk while making a right-hand turn, Kugler attempted to initiate a traffic stop. Sandoval continued driving, ignoring a stop sign before pulling the vehicle over to the side of the road.

¶4 Kugler spoke with Sandoval and observed his watery, bloodshot eyes; slurred speech; impaired balance; and a strong smell of alcohol on his breath. After Sandoval exhibited numerous cues of impairment during field sobriety tests, he was informed of his rights pursuant to *Miranda v. Arizona*, 384 U.S. 436 (1966), questioned, and placed under arrest. Breath tests measured Sandoval's alcohol concentration at more than .15, and he admitted his driver's license had been suspended. At trial, the Motor Vehicle Division's custodian of records testified Sandoval's license was expired, suspended, and revoked at the time of his arrest. The trial court found Sandoval had two historical prior felony convictions based on certified copies of records from the Pima County Superior Court and the Arizona Department of Corrections, which included photographs of Sandoval.

¶5 Substantial evidence supported all the elements necessary for Sandoval's convictions, *see* A.R.S. §§ 28-1381(A)(1), (2); 28-1383(A)(1), and the sentences the trial court imposed were within the statutory range authorized by A.R.S. § 13-604(C). We find no error warranting reversal and therefore affirm Sandoval's convictions and sentences.

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JOSEPH W. HOWARD, Presiding Judge

CONCURRING:

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JOHN PELANDER, Chief Judge

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J. WILLIAM BRAMMER, JR., Judge